



City of Marietta Meeting Minutes CITY COUNCIL

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

William B. Dunaway, Mayor
Annette Paige Lewis, Ward 1
Griffin "Grif" L. Chalfant, Jr., Ward 2
Holly Marie Walquist, Ward 3
Irvan A. "Van" Pearlberg, Ward 4
Rev. Anthony C. Coleman, Ward 5
James W. King, Ward 6
Philip M. Goldstein, Ward 7

Thursday, March 15, 2007

7:00 PM

Council Chamber

Presiding: William B. Dunaway

Present: Philip M. Goldstein, Rev. Anthony Coleman, Holly Walquist, Griffin "Grif" L. Chalfant, Jr., Annette Lewis and Irvan A. "Van" Pearlberg

Absent: James W. King

Also Present:

William F. Bruton, City Manager

Douglas R. Haynie, City Attorney

Stephanie Guy, City Clerk

CALL TO ORDER:

Mayor William B. Dunaway called the meeting to order at 7:09 p.m.

INVOCATION:

Mayor Dunaway called upon Council member Philip M. Goldstein to give the invocation.

PLEDGE OF ALLEGIANCE:

Mayor Dunaway called upon Bruce Hamilton, spouse of Council member Walquist, to lead the pledge of allegiance.

PRESENTATIONS:

PROCLAMATIONS:

20070282 Proclamation honoring Judge James F. Morris

Proclamation honoring Judge James F. Morris for his volunteer activities at the Elizabeth Porter Recreation Center.

This matter was Presented.

20070300 Alcohol Awareness Month

Proclamation declaring the month of April as Alcohol Awareness Month for the Cobb Underage Drinking Task Force.

This matter was Presented.

ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:**CONSENT AGENDA:**

Consent agenda items are marked by an asterisk (*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

Mayor Dunaway briefly explained the consent agenda process. The following amendments were made to the consent agenda:

A motion was made by Council member Goldstein, seconded by Council member Lewis, to suspend the rules of order to add an item to the consent agenda to approve the City of Marietta to host the Information Technology and Communications (ITC) Steering Committee of the National League of Cities May 31, 2007 - June 2, 2007 and to authorize the acceptance of funds for hosting the meeting and expenditures for the event, as approved by the City Manager. This motion includes a budget amendment for up to and including \$12,000 for income and expenditures for the event. The motion carried by the following vote:

Vote: 6 - 0 - 0

Approved

(See agenda item 20070312)

-under Council Appointments: Agenda item 20070193 was removed from the agenda. Agenda items 20070194, 20070196 and 20070197 should note that these are reappointments of the current Board or Commission member.

-under Judicial/Legislative: Agenda item 20070202 was added to the consent agenda and amended to read, "Motion to approve the Detailed Plan for Cambridge Walk Townhome Development on Scufflegrit Road. The plans/renderings signed by the applicant are included as part of the motion and have been filed with the City Clerk." Agenda item 20070292 was added to the consent agenda.

-under Public Works: Agenda item 20070192 was amended to read, "Motion to direct the developer of the Walnut Grove project to construct sidewalks along Whitlock Avenue and to work with the city arborist to save as many trees as possible. Further, the city would be willing to accept an easement granted by the owner for the construction of sidewalks in the width of six (6) feet or less and same shall be constructed to prevent the removal of trees. In the event the easement violates the greenspace requirements, this motion grants a waiver for the greenspace requirements for this development. The requirement for a wall fronting Whitlock Drive in front of Lots 17, 18 and 19 is hereby reduced so that the height of the wall shall be reduced to three (3) feet in height. The developer shall provide a survey showing the easement required for the sidewalks, which are subject to the approval of the Public Works Director. All final documents are subject to the final approval of the City Attorney and City Manager." This matter should also show Council member Goldstein voting against.

Mayor Dunaway opened the public hearing for items on the consent requiring a public hearing. Seeing no one wishing to speak, the public hearing was closed.

A motion was made by Council member Walquist, seconded by Council member Coleman, to approve the consent agenda as modified. The motion unanimously carried by the following vote:

Vote: 6 - 0 - 0

Approved

with the following exceptions:

-Council member Goldstein voting against Agenda item 20070192.

MINUTES:

* **20070211 Personnel/Insurance Committee of the Whole - January 25, 2007**

Review and approval of the January 25, 2007 Personnel/Insurance Committee of the Whole meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0

Approved

Regular Meeting - February 14, 2007

* **20070256** Review and approval of the February 14, 2007 regular meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0

Approved

MAYOR'S APPOINTMENTS:

CITY COUNCIL APPOINTMENTS:

20070193 Clean City Commission Appointment - Ward 1

Appointment to the Clean City Commission (Ward 1) for a term of two years, effective March 14, 2007 and expiring March 13, 2009 to fill an expired term.

This matter was Removed.

* **20070194** **Clean City Commission Appointment - Ward 2**

Appointment of Courtenay Vanderbilt to the Clean City Commission (Ward 2) for a term of two years, effective March 14, 2007 and expiring March 13, 2009.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0

Approved

* **20070196 Planning Commission Appointment - Ward 5**

Appointment of Kenneth Carter to the Planning Commission (Ward 5) for a term of three years, effective March 14, 2007 and expiring on March 13, 2010.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0

Approved

* **20070197 Clean City Commission Appointment - Ward 7**

Appointment of Lloyd Nawrocki to the Clean City Commission (Ward 7) for a term of two years, effective March 14, 2007 and expiring March 13, 2009.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0

Approved

* **20070275 Marietta Redevelopment Corporation Appointments**

Appointment of Micky Blackwell, Floyd Northcutt, Thomas Alan Smith, Wardlyn Mills Bassler, and Scott Condra to the Marietta Redevelopment Corporation (MRC) Board for two-year terms expiring April 10, 2009.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0

Approved

* **20070293 Cobb Housing, Inc.**

Appointment of Holly Marie Walquist to the Cobb Housing, Inc., (CHI) Board of Directors to fill the unexpired term of Grif Chalfant, which expires on January 10, 2008.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0

Approved

ORDINANCES:

* **20070005 Z2007-04 City of Marietta 25 square feet of property being located in Land Lot 0147, Parcel 144, 17th District (Billboard)**

Ord 7022 Z2007-04 CITY OF MARIETTA requests rezoning for property located in Land Lot 0147, 17th District, Parcel 144, and being known as 25 square feet of property off Powder Springs Street from GC [General Commercial (County)] to CRC [Community Retail Commercial (City)]. Ward 3.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0

Approved

* **20070021 A2007-02 25 square feet of property located in Land Lot 0147, Parcel 144, 17th Distrtrict (Billboard)**

Ord 7025 A2007-02 CITY OF MARIETTA requests annexation for property located in Land Lot 147, Parcel 144, 17th District, 2nd Section, Cobb County, Georgia consisting of 25 square feet and being known as property off Powder Springs Road. Ward 3.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0

Approved

CA2007-05 25 square feet of property located in Land Lot 0147, Parcel 144, 17th District (Billboard)

* **20070022**

Ord 7026

CA2007-05 CITY OF MARIETTA in conjunction with the requested annexation of property located in Land Lot 0147, 17th District, Parcel 144, 2nd Section, Marietta, Cobb County, Georgia and being known as 25 square feet of property off Powder Springs Street, the City of Marietta proposes to designate the Future Land Use of said property as CAC (Community Activity Center). Ward 3.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0

Approved

RESOLUTIONS:

* **20070281 The Retreat at Dorsey Manor**

Motion to approve a Resolution endorsing the application by The Retreat at Dorsey Manor, LP to the Georgia Department of Community Affairs for low-income housing tax credits to construct The Retreat at Dorsey Manor, a senior citizen community at 118 Haynes Street, Marietta, Georgia; and for other purposes.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0

Approved

CITY ATTORNEY'S REPORT:

CITY MANAGER'S REPORT:

MAYOR'S REPORT:

COMMITTEE REPORTS:

1. Economic/Community Development: Grif Chalfant, Chairperson

2. Finance/Investment: Annette Lewis, Chairperson

* **20070231 General Pension Fund Investment Policy**

Motion approving Pension Board updates and revisions to General Pension Fund Investment Policy.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0**Approved**

* **20070232 Supplemental Pension Fund Investment Policy**

Motion approving Pension Board updates and revisions to Supplemental Pension Fund Investment Policy.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0**Approved**

3. Judicial/Legislative: Philip M. Goldstein, Chairperson

* **20070063 Comprehensive Plan Annual Updates**

Motion to approve the Future Land Use Map and Character Area Map for potential changes; changes to character area descriptions to include Church/Cherokee Master Plan.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0**Approved**

* **20070090 Landscaping in parking areas**

CA2007-12 Review and approval of Division 712.08, Paragraph G, of the Comprehensive Development Code regarding parking lot landscaping

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0**Approved**

* **20070204 Proposed code amendment change**

CA2007-11 Review and approval of Division 712, Section 712.01, Table B and Division 712, Section 712.04 of the Comprehensive Development Code regarding language for Type B Home Occupation

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0**Approved**

* **20070202 Cambridge Walk Detailed Plan**

Motion to approve the Detailed Plan for Cambridge Walk Townhome Development on Scufflegrit Road.

Motion to approve the Detailed Plan for Cambridge Walk Townhome Development on Scufflegrit Road. The plans/renderings signed by the applicant are included as part of the motion and have been filed with the City Clerk.

This matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0**Approved**

* **20070292 Cambridge Walk Townhome Development**

Motion to waive the 10-day waiting period for comment by Council and approve the final plat for Cambridge Walk Townhome Development on Scufflegrit Road.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0

Approved

4. Parks, Recreation and Tourism: Holly Walquist, Chairperson

*** 20070233 City Club, Marietta Fee Increases**

Motion to approve increases at the City Club, Marietta effective April 1, 2007.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0

Approved

*** 20070225 Donation for Lewis Park**

Ord 7023

Ordinance approving receipt of a donation in the amount of \$2007.00 from the Lewis Park Preservation Fund, established in memory of John Carney, for the purpose of purchasing additional benches and picnic tables for Lewis Park; and, authorize a budget amendment to appropriate the monies into a Parks, Recreation and Facilities expenditure account for the purposes specified.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0

Approved

*** 20070226 2007 Street Closure**

Motion to approve closing streets and parking spaces for City sponsored or sanctioned events for 2007; and, to approve the sale and consumption of alcohol per City ordinance 10-4-070 for the Taste of Marietta.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0

Approved

*** 20070234 Muscular Dystrophy Association Special Events**

Motion approving the Muscular Dystrophy Association (MDA) to allow the closure of North Park and East Park Square Sunday, June 10, 2007 for the 2007 MDA Rolling On For MDA event in and around Glover Park; and, waive City Code Section 10-4-70 to allow for the sale and consumption of beer at the event.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0

Approved

5. Personnel/Insurance: Van Pearlberg, Chairperson

*** 20070227 Amendment of the Personnel Rules and Regulations**

Amendment of the Personnel Rules and Regulations contained in Sections 2-11

of Part 4 of the Code of Ordinances.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0

Approved

6. Public Safety Committee: Anthony Coleman, Chairperson

*** 20070198 Standard Operating Procedures**

Motion to approve proposed changes in Marietta Police Department policy A050 Secondary Employment in order to maintain CALEA accreditation.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0

Approved

7. Public Works Committee: Jim King, Chairperson

*** 20070106 Sidewalk Options**

Motion to approve the use of the Keystone Wall when constructing retaining walls along city sidewalk projects, unless the residents directly affected unanimously want to contribute in advance to the use of the Concrete/Rock wall.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0

Approved

*** 20070192 Walnut Grove**

Motion to direct the developer of the Walnut Grove project to construct sidewalks along Whitlock Avenue and to work with the city arborist to save as many trees as possible. Further, the City would be willing to accept the donation of additional right-of-way to prevent the removal of trees.
Manager.

Motion to direct the developer of the Walnut Grove project to construct sidewalks along Whitlock Avenue and to work with the city arborist to save as many trees as possible. Further, the city would be willing to accept an easement granted by the owner for the construction of sidewalks in the width of six (6) feet or less and same shall be constructed to prevent the removal of trees. In the event the easement violates the greenspace requirements, this motion grants a waiver for the greenspace requirements for this development. The requirement for a wall fronting Whitlock Drive in front of Lots 17, 18 and 19 is hereby reduced so that the height of the wall shall be reduced to three (3) feet in height. The developer shall provide a survey showing the easement required for the sidewalks. All final documents are subject to the final approval of the City Attorney and City Manager.

A This Matter was Approved on the Consent Agenda.

Vote: 5 - 1 - 0

Approved

Vote Against: 1 - Philip M. Goldstein

SCHEDULED APPEARANCES:

UNSCHEDULED APPEARANCES:

OTHER BUSINESS:

*** 20070296 Official Thoroughfare Map - Williams Drive**

Motion to classify Williams Drive and Guffin Lane between Williams Drive and State Route 5 as a collector on the Official Thoroughfare Map.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0 **Approved**

* **20070277** **Purchase of Properties**

Motion to approve the purchase of properties.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0 **Approved**

* **20070294** **Revised Detailed Landscape Plan for Riverstone Church**

Motion to approve the revised detailed landscape plan for Riverstone Church, formerly known as Wesleyan Fellowship Church. The version signed by the church and the adjoining subdivision Board of Directors, as attached, shall serve as the official document.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0 **Approved**

* **20070295 Commerce Avenue**

Motion to authorize approval and ratification of the city attorney taking appropriate legal action against 555 Commerce Avenue, Marietta, Georgia.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0 **Approved**

* **20070312 National League of Cities ITC Committee**

Motion to approve the City of Marietta to host the Information Technology and Communications (ITC) Steering Committee of the National League of Cities May 31, 2007 - June 2, 2007 and to authorize the acceptance of funds for hosting the meeting and expenditures for the event, as approved by the City Manager. This motion includes a budget amendment for up to and including \$12,000 for income and expenditures for the event.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0

Approved

*** 20070254 BLW Actions of March 12, 2007**

Review and approval of the March 12, 2007 actions and minutes of the Marietta Board of Lights and Water Works (BLW).

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 0

Approved

20070316 Executive Session

Motion to enter Executive Session to discuss real estate matters.

The motion was made in open session by Council member Goldstein, seconded by Council member Pearlberg, to enter an Executive Session to discuss real estate matters. The motion carried by the following vote:

Vote: 6 - 0 - 0

Approved

For: Annette Paige Lewis, Grif Chalfant, Holly Marie Walquist, Van Pearlberg, Rev. Anthony Coleman, and Philip M. Goldstein

The Executive Session was held (the Chairman's affidavit is attached hereto as Attachment A).

A motion was made by Council member Goldstein, seconded by Council member Coleman, that this matter be Approved. The motion carried by the following vote:

Vote: 6 - 0 - 0

Approved

For: Annette Paige Lewis, Grif Chalfant, Holly Marie Walquist, Van Pearlberg, Rev. Anthony Coleman, and Philip M. Goldstein

A motion was made by Council member Goldstein, seconded by Council member Lewis, to suspend the rules of order to add an agenda item to approve the purchase property and an agenda item regarding the Roswell Street Improvements. The motion carried by the following vote:

6 - 0 - 0

Approved

(See agenda items 20070314 and 20070315)

20070314 Purchase of Property

Motion to authorize the purchase of property.

The motion was made by Council member Goldstein, seconded by Council member Lewis, that this matter be Approved. The motion carried by the following vote:

Vote: 6 - 0 - 0

Approved

20070315 Roswell Street Improvements - Emerson, LLC

Motion to accept the donation of right-of-way from Emerson, LLC and authorize the expenditure not to exceed \$305,000 for Roswell Street improvements in front of 356 Roswell Street, subject to the city attorney and city manager approving the final documents. The Landscape Plan shall be brought back to council for approval. The conditions set forth in the letter from Mr. D. Roger DeBoy dated March 14, 2007 are incorporated into this motion. Further, authorizing that the sign currently located in the right-of-way to be removed at the expense of the owner and later be replaced with two signs, subject to the approval of the Planning and Zoning Department and the Public Works Department.

The motion was made by Council member Goldstein, seconded by Council member Lewis, that this matter be Approved. The motion carried by the following vote:

Vote: 6 - 0 - 0

Approved

ADJOURNMENT:

The meeting was adjourned at 8:22 p.m.

Date Approved: _____

William B. Dunaway, Mayor

Attest: _____
Stephanie Guy, City Clerk